

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

3
4 IN THE MATTER OF:

) Case No.: DO-17-0085A

5 **Marc Brian Grant, D.O.**
6 Holder of License No. 1609

) **INTERIM CONSENT AGREEMENT AND**
) **ORDER FOR PRACTICE RESTRICTION**
) **& EVALUATION**

7 For the practice of osteopathic medicine in
8 the State of Arizona

9
10 **INTERIM CONSENT AGREEMENT**

11 By mutual agreement and understanding, between the Arizona Board of
12 Osteopathic Examiners in Medicine and Surgery ("Board") and Marc Brian Grant, D.O.
13 ("Respondent"), the parties agree to the following interim disposition of this matter.

14 1. Respondent has read and understands this Interim Consent Agreement
15 and the stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim
16 Order ("Interim Consent Agreement"). Respondent acknowledges that he has the right
17 to consult with legal counsel regarding this matter and has done so or chooses not to do
18 so.

19 2. By entering into this Interim Consent Agreement, Respondent voluntarily
20 relinquishes any rights to a hearing or judicial review in state or federal court on the
21 interim matters alleged, or to challenge this Interim Consent Agreement in its entirety as
22 entered into with the Board, and waives any other cause of action related thereto or
23 arising from said Interim Consent Agreement.

24 3. This Interim Consent Agreement is not effective until approved by the
25 Board as evidenced by the signature of its Executive Director.

1 4. Respondent admits to the Interim Findings of Fact and Interim
2 Conclusions of Law contained in this Interim Consent Agreement.

3 5. This Interim Consent Agreement, or any part thereof, may be considered
4 in any future disciplinary action against Respondent.

5 6. This Interim Consent Agreement does not constitute a dismissal or
6 resolution of this or other matters currently pending before the Board, if any, and does
7 not constitute any waiver, express or implied, of the Board's statutory authority or
8 jurisdiction.

9 7. All admissions made by Respondent are solely for interim disposition of
10 this matter and any subsequent related administrative proceedings or civil litigation
11 involving the Board and Respondent. Therefore, said admissions by Respondent are
12 not intended or made for any other use, such as in the context of another state or
13 federal government regulatory agency proceeding or civil or criminal court proceedings,
14 in the State of Arizona or any other state or federal court.

15 8. Upon signing this agreement, and returning this document (or a copy
16 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance
17 of the Interim Consent Agreement. Respondent may not make any modifications to the
18 document. Any modifications to this original document are ineffective and void unless
19 mutually approved by the parties.

20 9. This Interim Consent Agreement, once approved and signed, is a public
21 record that will be publicly disseminated as a formal action of the Board and will be
22 reported to the National Practitioner Data Bank and to the Board's website.

23 10. If any part of the Interim Consent Agreement is later declared void or
24 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
25 shall remain in force and effect.

1 11. If the Board does not adopt this Interim Consent Agreement, (1)
2 Respondent will not assert as a defense that the Board's consideration of the Interim
3 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense;
4 and (2) the Board will not consider content of this Interim Consent Agreement as an
5 admission by Respondent.

6
7 REVIEWED AND ACCEPTED THIS 24 DAY OF May, 2018.

8 
9 Marc Brian Grant, D.O.

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11 **JURISDICTIONAL STATEMENT**

12 12. The Board is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to
13 regulate the licensing and practice of osteopathic medicine in the State of Arizona.

14 13. Respondent holds license No. 1609 issued by the Board to practice as an
15 osteopathic physician.

16 **INTERIM FINDINGS OF FACT**

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18 14. On March 27, 2017 the Board received a complaint from a Pharmacist,
19 MM, that alleged, "extremely troubling Suboxone prescribing" by Respondent relative to
20 patient FG. Case DO-17-0085A.

21 15. The Board held an Investigative Hearing on this matter on October 14,
22 2017. Respondent appeared personally and on his own behalf. The Board continued
23 the investigative hearing and requested staff perform a review of additional patient
24 charts.
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1 16. A review of the records in this matter and testimony from the Respondent
2 suggest that Respondent exercised poor professional judgment resulting in
3 unprofessional conduct in his prescribing of controlled substances, including medication
4 assisted therapy with Suboxone, which may impact his ability to safely practice
5 medicine and jeopardize the safety of those patients and the public.

6 17. The Board's medical consultant performed a pharmacy audit and record
7 review.
8

9 18. Two additional medical consultants reviewed the records. All three found
10 deviations in the standard of care.

11 19. Records provided indicate that patient FG sought to fill his Suboxone
12 prescription early, was paying cash, and the prescription was missing a signature and
13 security measures. There were several missing components of the patient's record
14 including, no outside medical records were provided, no urine drug screen results, no
15 risk stratification of the patient, no diagnostic imaging studies, no informed consent on
16 the risks, benefits and alternatives, no mention of changes in function related to opioid
17 use, no treatment goals, and no mention of filling a prescription for hydrocodone/APAP
18 on 1/20/17 that was not prescribed by Respondent.
19

20 20. Records provided indicate patient HT, then a 21 year old male, was seen
21 by Respondent for low back pain. No previous medical records were available for
22 review. No pain management agreement was included in the medical record. Multiple
23 urine drug screens were inconsistent yet Respondent continued to prescribe controlled
24 substances. A pharmacy audit was documented but no hard copy was included.
25
26
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1 Surgical referrals were discussed but no consults were included in the medical record.

2 No laboratory test results were included.

3 21. Records provided indicate patient CC was seen by Respondent to
4 discontinue methadone. A pharmacy audit was not noted in the chart nor were results
5 placed in the file. Urine drug screens were not documented in the notes, despite
6 numerous positives. No additional services were offered nor discussions documented.

7 No EKG was performed for the restart of methadone.

8
9 22. Records indicate concerns by the medical consultants, which resulted in a
10 deviation from the standard of care, including, but not limited to: a) a lack of urine drug
11 tests being completed or placed in the patient's medical record, b) a lack of EKGs being
12 done prior to Methadone being prescribed, c) a lack of urine drug tests being performed
13 on females of child-bearing age or appropriate documentation of pregnancy prevention
14 methods being followed, and d) a lack of medical records containing PMPs, required
15 documentation, and all documentation consistent with the standard of care.

16
17 23. Dr. Grant appeared before the Board for the continuation of the
18 Investigative Hearing on May 19, 2018. The Board continued to express concern
19 regarding Dr. Grant's manner of prescribing controlled substances and continued the
20 Investigative Hearing in order to obtain additional information through a professional
21 assessment of Dr. Grant.

22 **INTERIM CONCLUSIONS OF LAW**

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24 24. Pursuant to A.R.S. §32-1800, et seq. the Board has subject matter
25 and personal jurisdiction in this matter.

26 25. The conduct and circumstances described in paragraphs 19 through 22
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1 above, if proven, constitute unprofessional conduct as defined in the following
2 paragraphs of A.R.S. §32-1854 (5), (6), (21) (36), and (38).

3 **INTERIM ORDER**

4 Pursuant to the authority vested in the Board, and based upon the Interim
5 Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**
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7 1. Respondent's license to practice osteopathic medicine, No. 1609, is
8 placed on a practice restriction that requires him to follow the requirements listed below
9 and during such time all medical records involving Respondent's care will be open for
10 Board inspection:
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12 a. Respondent may not provide any recommendations, certifications, or
13 prescriptions for marijuana or a medical marijuana card.

14 b. Respondent must conduct or ensure urine drug tests on all patients
15 prescribed schedule II and III controlled substances or Suboxone and the results
16 must be placed in the patient's medical record.

17 c. Respondent must conduct or ensure EKGs are done prior to Methadone
18 being prescribed.
19

20 d. Respondent must conduct or ensure urine drug tests are being
21 performed on females taking opioids of child-bearing age or appropriate
22 documentation of pregnancy prevention methods being followed.

23 e. Respondent must conduct or ensure medical records contain PMPs, all
24 required documentation, including, but not limited to, documentation consistent
25 with the standard of care and the Respondent's scope of practice to ensure
26 protocols exist relative to patients being prescribed controlled substances.
27

1 2. Respondent must sign the Interim Consent Agreement by May 25, 2018
2 otherwise the case will come back to the Board for the June 2018 meeting.

3 3. Respondent shall undergo a practice assessment by the Physician
4 Assessment and Clinical Education Program ("PACE"), at the University of San
5 Diego (619-543-6770 / www.paceprogram.ucsd.edu) or undergo a physician
6 practice evaluation through The Center for Personalized Education for
7 Physicians ("CPEP") in Denver, Colorado (303-577-3232 or www.cpepdoc.org).
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- 9 a. The evaluation shall be centered on addiction medicine.
10 b. Respondent shall schedule the evaluation within 30 days and notify
11 the Board by and through their Executive Director within 30 days.
12 c. Respondent shall complete the evaluation by August 15, 2018.
13 d. Respondent shall cause all reports resulting from the
14 evaluation/assessment to be delivered directly from the evaluator to the Executive
15 Director of the Board no later than August 30, 2018 so that these results may be
16 included in the information that goes before the Board for the September 2018 meeting.

17 4. These restrictions shall remain in place until Respondent appears before
18 the Board to determine if the Board will lift the restriction.

19 5. This is an interim order and not a final decision by the Board regarding
20 the pending investigative file and as such is subject to further consideration and
21 modification by the Board.
22

23 6. Respondent shall sign such releases as are necessary to ensure that the
24 report(s) of the evaluation and/or assessment are made directly and confidentially to the
25 Executive Director of the Board of Osteopathic Examiners.
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1 7. **Costs:** Respondent shall bear all costs incurred regarding compliance
2 with this Order.

3 8. Any violation of this Consent Agreement constitutes unprofessional
4 conduct and may result in disciplinary action and or referral to the appropriate law
5 enforcement agency.



ISSUED THIS 23rd DAY OF May, 2018.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

13 By: 
14 _____
Amber Brake, Executive Director

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16 Original filed this 23rd day of May, 2018 with the:

17 Arizona Board of Osteopathic Examiners
18 In Medicine and Surgery
19 1740 West Adams Street, Suite 2410
Phoenix, AZ 85007

20 Copy of the foregoing sent via fedex mail this
21 24th day of May, 2018 to:

22 Marc Brian Grant Address of record:

23 Marc Brian Grant DO
24 100 West Frontier Street
Payson, AZ 85547

25 A copy sent electronically via email to the address provided by Respondent

26 Copy of the foregoing sent via email
27

1 this 23rd day of May, 2018 to:

2 Anne Froedge, AAG
3 Office of the Attorney General
4 1275 West Washington
5 Phoenix AZ 85007
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